



CANNON BUILDING
861 SILVER LAKE BLVD., SUITE 203
DOVER, DELAWARE 19904-2467

STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

TELEPHONE: (302) 744-4500
FAX: (302) 739-2711
WEBSITE: WWW.DPR.DELAWARE.GOV

PUBLIC MEETING MINUTES:	DELAWARE REAL ESTATE COMMISSION
MEETING DATE AND TIME:	Thursday, October 10, 2012 at 9:00 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room A , Second Floor of the Cannon Building
MINUTES APPROVED:	November 8, 2012

MEMBERS PRESENT

Christopher J. Whitfield, Professional Member, Chairman
Michael Harrington, Sr., Professional Member, Vice Chairman
Andrew Staton, Professional Member, Secretary
Vincent M. White, Professional Member (left at 9:40 a.m.)
Ricky H. Allamong, Professional Member
James C. Brannon, Jr., Public Member
Gilbert Emory, Public Member
Patricia O'Brien, Public Member
Joseph F. McCann, Public Member

DIVISION STAFF/ DEPUTY ATTORNEY GENERAL

Eileen Heeney, Deputy Attorney General
Sandy Wagner, Administrative Specialist III
Jessica Williams, Administrative Specialist II

MEMBERS ABSENT

None

ALSO PRESENT

Dee Henderson Hake, Real Estate Education Committee
Angela Emerson, SCAOR
Dave Dryden, Director of the Board of Pharmacy

Ann Raskauskas
Maria Glover

CALL TO ORDER

Mr. Whitfield called the meeting to order at 9:02 a.m.

REVIEW OF MINUTES

Mr. White made a motion, seconded by Mr. Staton, to approve the minutes of the meeting held on September 13, 2012. By unanimous vote, the motion carried.

NEW BUSINESS

Education Committee Report

Recommendation to Approve and Deny Course Providers, Instructor Applications and Student

Ms. Dee Henderson Hake stated that she was representing the Education Committee. At their October 4th meeting the Education Committee reviewed 1,021 audits.

The Education Committee had been asked to review the modules and the suggested topics for course content. Mr. Whitfield stated that the modules were supposed to be construed liberally. Mr. White said the course outlines were supposed to be used as guidelines.

Ms. Henderson Hake stated that the Education Committee has a difficult time determining what the Commission expects because the minutes from the Commission meetings are not approved and available for the Education Committee at the time they meet. Mr. Staton stated that Doug Doyle attends the Commission meetings to report to the Education Committee. Ms. Henderson Hake stated that Mr. Doyle brings back the comments from the Commission but not the decisions made at the Commission meetings. Mr. White stated that he had been attending the Education Committee meetings, but he didn't want to be seen as having any undue influence. Mr. Allamong stated that if Mr. White could attend the next several meetings with the Education Committee that would be helpful.

Mr. Harrington asked whether Commission meeting minutes could be available for the Education Committee to review in draft form. Ms. Heeney stated she didn't think that was an option because as of the time of the Education Committee meetings, the minutes hadn't been approved by the Commission yet.

Ms. Henderson Hake stated that if the Education Committee turns down a CE application, that person gets notified right after their meeting and before the Commission meets to approve the Education Committee's minutes. Mr. Allamong stated that applicants shouldn't be notified until after the Commission meets and approves the minutes from the Education Committee.

The Commission discussed that the modules should be liberally construed and what the Education Committee Guidelines state as opposed to the outlines that the Education Committee uses to evaluate course applications. Ms. Henderson Hake said that sometimes the Guidelines conflict with the Commission's Regulations which conflict with the information going out to the public. Mr. White said the course outlines are there to help providers with some understanding as to what topics to use. Ms. Heeney asked if the course outlines were ever approved by the Commission. Mr. White said he would resume attending the Education Committee meetings. Mr. White wanted to know how the Commission felt about online courses and whether a licensee should be able to take all

their courses online. Ms. Henderson Hake stated that there is a division in the Education Committee regarding online courses because some feel that you learn more in a classroom.

Mr. Whitfield stated that the changes regarding CE were supposed to afford new exciting courses but it seems that the old courses are still being given and put into the modules they fit into. The course outlines being used are not part of the Guidelines or the Regulations and the Commission doesn't know why they are being used. Mr. Staton stated that the Education Committee should have suggested topic outlines. Mr. Whitfield made a motion, seconded by Mr. Brannon, to have Ms. Henderson Hake go back to the Education Committee for further review of the course topic outlines, and until such time that topic outlines are approved by the Commission, the Education Committee should liberally construe the Guidelines and approve courses accordingly. Ms. Henderson Hake asked whether this motion will be official in November and Mr. Whitfield responded that the motion would be effective immediately. Mr. Allamong asked for clarification with respect to whether courses would be liberally construed based upon the outlines and Mr. Whitfield responded that the liberal construction would be based on the module topic and the content of the course. By majority vote, the motion carried with Mr. Staton opposed.

Mr. Brannon made a motion, seconded by Mr. Staton, to approve the minutes of the Education Committee. By unanimous vote, the motion carried.

Applications for Licensure
Ratification of Salesperson Applications

Mr. Staton made a motion, seconded by Mr. White, to ratify the following new salesperson applicants as presented:

Russell Huxtable, East Coast Property Management, Seaford, DE
Grace Mengel, Century 21 Alliance, West Chester, PA
Feyikunbi Alabi, Keller Williams, Christiana, DE
Donna Braksator, Prudential Fox & Roach, Bear, DE
Ramonita Hernandez-Mohr, Prudential Fox & Roach, Greenville, DE
Yvonne Shenton, Weichert Realtors, Wilmington, DE
Travis Surley, Prudential Fox & Roach, Newark, DE
Elma Souder, Pantano Real Estate, Wilmington, DE
Adam Linder, Ocean Atlantic Sotheby's, Rehoboth Beach, DE
Leslie Smith, Mann and Sons, Inc., Rehoboth Beach, DE
Emily Drake, SB Real Estate, LLC., Wilmington, DE
Susan Brooks, Coldwell Banker Commercial Amato Associates, Newark, DE
Brenda Gregory, Weichert Realtors, Wilmington, DE
Lydia Ragonese, Patterson Schwartz, Dover, DE
Nayyara Waheed, Patterson Schwartz, Hockessin, DE
David Kade, Keller Williams Realty Central Delaware, Dover, DE
Matthew Furst, Keller Williams Realty Central Delaware, Dover, DE
Helen Haiduck, Prudential Fox & Roach Realtors, Bear, DE
Christina Quillin, Prudential Fox & Roach, Newark, DE
Maria Nichols, Patterson-Schwartz Real Estate, Newark, DE
Linda Mahoney, Weichert Realtors, Chadds Ford, PA
Brian McAleese, Simple Choice Realty Inc., Lafayette Hill, PA
Marquita Davis, Prudential Fox & Roach, Hockessin, DE
David Williams, Keller Williams Real Estate, West Chester, PA
Nicole Kruse, Keller Williams Real Estate, West Chester, PA

Richard Gilkerson, Sperry Van Ness Commercial RE, Salisbury, MD
Tracey Vega, Keller Williams Realty Central, Dover, DE

By unanimous vote, the motion carried.

Review of Salesperson Application

Mr. Staton made a motion, seconded by Mr. White, to approve the following Salesperson application:

Donald Odom, Jr.

By unanimous vote, the motion carried.

Review of Broker Applications

Mr. Staton made a motion, seconded by Ms. O'Brien, to approve the following Broker applications:

Constantine Pappas, Arrow Real Estate Services LLC, Doylestown, PA
Daniel Duncan, Duncan Realtors, Earleville, MD
Lisa Torbert, Torbert Realty, LLC. Dover, DE

By unanimous vote, the motion carried.

Review of Applications for Reinstatement

Mr. Staton made a motion, seconded by Mr. White, to approve the following applications for reinstatement:

Richard Applegate, Patterson Schwartz, Newark, DE
Charles Graham, R & R Commercial Realty, Dover, DE
Rana Wilson, Home Realty, Newark, DE
June Woodward, Stephens Management Corporation, Seaford, DE
Troy O'Neal, Re/Max of Wilmington, Wilmington, DE

By unanimous vote, the motion carried.

Review of Applications for New Offices

The new office applications for Bethany Area Realty, LLC, Lanard & Auilbund, LLC, and Sperry Van Ness Miller Commercial Real Estate were reviewed. Mr. Staton made a motion, seconded by Mr. White, to approve these applications. By unanimous vote, the motion carried.

Review of Transfer Form

Mr. White made a motion, seconded by Mr. Staton, to approve Donald Fiehl's transfer form without having the releasing broker's signature due to the circumstances of the office that Mr. Fiehl was transferring from.

By unanimous vote, the motion carried.

Review of Associate Broker Application

Mr. Harrington made a motion, seconded by Ms. O'Brien, to approve the following application:

Leslie Byrne

By unanimous vote, the motion carried.

Re-Review of Office Application

The office application for Coldwell Banker Vacations was re-reviewed by the Commission. Mr. Allamong made a motion, seconded by Mr. Brannon, to approve the application of Coldwell Banker Vacations once the Bank sends proof of signatory of escrow account and pictures of the signage has been received by the Commission's liaison.

By unanimous vote, the motion carried.

Status of Complaints

Complaint No. 02-16-11 – Closed

Complaint No. 02-18-12 – Closed

Discussion of Sellers Disclosure Forms: Disclosure of Methamphetamine Production on Property

Mr. Dave Dryden addressed the Commission about Methamphetamine Production in houses. Mr. Dryden is the Director of the Office of Controlled Substances, the state's version of the DEA. Around 23 states have put laws into place requiring disclosure to prospective buyers that methamphetamine was manufactured on the property. Methamphetamine stays around in the walls and the atmosphere for months. A house that was used to manufacture this drug can affect children's health. Mr. Dryden suggested that the Commission look at the laws that some of the other states have passed concerning the sale of real estate and methamphetamine production. Mr. Dryden said he will be available if the Commission would want to speak with him again about this issue.

Complaint against the Real Estate Commission under the Freedom of Information Act

Ms. Heeney explained to the Commission that a complaint was filed by an individual against the Real Estate Commission under the Freedom of Information Act. The complaint concerns the procedure where the Commission goes off the record for deliberations and the court reporter stops transcribing the discussion. All Title 24 Commissions and Boards follow this procedure. The complaint will be reviewed by Ms. Heeney's office to determine if there was a violation or not.

Letter from Dee Hake

Ms. Henderson Hake submitted 3 courses that had been previously approved and she resubmitted them to get approved under the new modules. The courses follow the topics under the modules but her courses were not approved by the Education Committee. Ms. Henderson Hake submitted a letter to overturn the denial of her courses. The problem may be the title of the courses. Ms. Henderson Hake said she has people coming to her to take the Broker Core and Salesperson Core courses so they can reinstate their licenses. Ms. Henderson Hake also had an applicant that submitted an instructor application and he was only approved to teach module 7. Mr. Allamong made a motion, seconded by Mr. Staton, to send Ms. Henderson Hake's appeal back to the Education Committee to re-evaluate the

courses that were denied and that no addition fee should be charged to re-submit. By unanimous vote, the motion carried.

Ms. Williams wanted to clarify that for the course providers and instructors that have asked for amendments to previously approved courses, no fee was required. Ms. Henderson Hake asked what she had to do to appeal the instructor application that was approved only for Module 7. Ms. Henderson Hake was instructed to submit a letter to the Commission, with supplemental information, such as the applicant's resume. Mr. Harrington noted the importance of the Education Committee and that the Commissioners should attend the meetings on a rotating basis.

Request for Extension of Granted Continuance

Ms. Wagner explained to the Commission that they had previously given Ms. Sandra Milner an extension to get her continuing education completed. Now Ms. Milner is asking for another extension due to financial and personal circumstances. Ms. Milner's license is already in a lapsed must reinstate status. Mr. Harrington made a motion, seconded by Mr. Allamong, to deny Ms. Milner's request for an additional extension. The Commission discussed the motion. By unanimous vote, the motion carried. Ms. Wagner will send a letter to Ms. Milner letting her know that her license has lapsed and that she can't work until she reinstates her license.

OLD BUSINESS

Re-review of Request for Additional Brokers License

Ms. Heeney explained to the Commission why Mr. Davisson was put back on the agenda. Ms. Heeney was going to help Ms. Wagner write Mr. Davisson's letter but both were unclear as to the motion from September. After discussion, the Commission stated that it is tabling Mr. Davisson's request for an additional Broker's license. Ms. Wagner will send Mr. Davisson a letter asking him to resubmit his application with his Delaware office location on it.

OTHER BUSINESS BEFORE THE COMMISSION (for discussion only)

Ms. Heeney stated she is working with the new "Home Inspectors" Board and by next August 2013 home inspectors will need to be licensed. The Home Inspector Board wanted to know if the Real Estate Commission needed to be notified and who else in the community needed to be notified. The Commission said that it would be a good idea to let the Real Estate profession, specifically the county boards, know about the changes. Mr. Harrington wanted to know if the Boards of Realtors, three in the State, could be emailed about the home inspectors being licensed. Mr. Harrington would like the email to go out to the Commissioners as well.

PUBLIC COMMENT

Ms. Maria Glover addressed the Commission asking what she has to do to transfer from an office that currently doesn't have a broker of record. Since there is no broker of record her transfer form would not be complete. This same scenario was addressed earlier in the meeting for Mr. Fiehl. Mr. Harrington made a motion, seconded by Mr. Brannon, to grant the Division approval to process the transfer for Ms. Glover without the releasing broker signature and issue the license. By unanimous vote, the motion carried.

Ms. Dee Henderson Hake discussed the NAR code of ethics. Mr. Whitfield stated that he remembers discussions about having a canon of ethics, but the Commission determined that a canon of ethics was not needed, because the licensing law serves as a code of ethics for the profession. Mr. Whitfield could not recall the Commission stating that the NAR code of ethics couldn't be used in a module. Any nationally accredited class would be accepted. Ms. Henderson Hake stated that she contacted Pearson

Vue so she could sit for the exam and they told her that she would have to get approval from the Commission before they will allow her to sit for the exam. Ms. Henderson Hake would like to take the exam because she feels it would make her a better teacher. Mr. Allamong would not be in favor of this and that there are outlines that students can study to help them with taking the exams. Mr. Harrington said this would have to be something that would need to put into a formal request and submitted to the Commission for discussion.

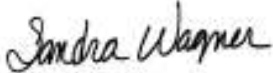
NEXT SCHEDULED MEETING

The next meeting will be held on Thursday, November 8, 2012 at 9:00 a.m.

ADJOURNMENT

Mr. Brannon made a motion, seconded by Mr. Emory, to adjourn the meeting. By unanimous vote, the motion carried. The meeting adjourned at 11:00 a.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sandra Wagner".

Sandra Wagner
Administrative Specialist III

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.